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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3540/2019**

MOHIT SHARMAPetitioner
Through: Mr P.N. Dhar, Advocate.

versus

**EAST DELHI MUNICIPAL
CORPORATION & ORS.** Respondents
Through: Mr Kirti Uppal, Senior Advocate with
Mr Hitendra Kr. Nahata and Mr Vikas
Manchanda, Advocates for the
applicant in CMs 15118/2020 and
15119/2020. .

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **28.07.2020**

1. The hearing was conducted through video conferencing.

CM APPL. 15118/2020 (By Ms Pinki Kwatra and Ms Sushma Kwatra
applicants for impleadment)

2. The applicants seek to be impleaded as parties to the petition because the property, which is the subject matter of this case belongs to them. They claim to have sanctioned Building Plans from the Corporation for the building in question, part of which has been demolished.
3. In view of the above, the learned counsel for the petitioner submits that he has no objection to the impleadment of the said applicants. The Court considers that the said parties are necessary parties. Accordingly, the applicants are impleaded as respondent nos. 5 and 6.
4. The application is allowed and disposed-off accordingly.

W.P.(C) 3540/2019 & CM APPLs 16252/2019 and 3992/2020 & CM

APPL. 15119/2020

5. Since there was no counsel appearing on behalf of the East Delhi Municipal Corporation earlier today, the Court had requested Mr. Ajay Arora, the learned Standing Counsel for EDMC, to assist the Court. He has been apprised of the matter. A copy of the petition has been supplied to Mr. Ajay Arora by Mr. Pran Dhar, the learned counsel for the petitioner, through e-mail. In the circumstances, the following order is passed.
6. It is petitioner's case that unauthorized construction has been carried out by the persons residing in the property bearing A-140, Vivek Vihar, Phase-II, Delhi apropos which notices were issued by the Corporation and part demolition action has been carried out. This Court on 31.01.2020 has, *inter alia*, directed the petitioner to file an affidavit stating that there is no unauthorized construction in the property in which he is presently residing. The petitioner claims to be a neighbour in the same colony. The said affidavit has not been filed despite a lapse of more than six months.
7. In the circumstances, the Corporation shall inspect the residence of the petitioner, which he has disclosed in the affidavit as E-113, Jhilmil Colony, Jhilmil, HO, East Delhi, Delhi-110095, and take appropriate measures if any unauthorized construction is found.
8. The learned Senior Counsel for the applicants/R-5 and 6 states that no notice was served upon them by the Corporation. It is further contended that the Corporation's "property vacation notice" dated 23.06.2020 is premature and precipitate in nature, inasmuch as it was sent, without an earlier notice of show cause, as to why the property

needs to be vacated.

9. In the circumstances, apropos its aforementioned order dated 23.06.2020, the applicants-respondent nos. 5 and 6 shall be heard by the East Delhi Municipal Corporation on 05.08.2020 at 11:00 a.m. through video conferencing and/or on all such subsequent dates as may be convenient to the Corporation and the said notices/respondents.
10. The submissions of the said noticees shall be taken into consideration by the Corporation; its reasoned order shall be communicated to the said noticees in two weeks thereafter. The noticees shall be granted two weeks' time for them to make amends/rectifications as per the order, if it is so required. The eviction/vacation order shall be kept in abeyance till then.
11. The learned Senior Counsel for R5 and 6 submits that this is nothing but a proxy litigation at behest of a person who has himself carried out illegal construction across from the road of the petitioner's property. It will be open to the EDMC to take appropriate action apropos such illegal construction as alleged by R5, which may be noticed across the aforestated road.
12. The writ petition, along with the pending applications, is disposed-off in terms of the above.
13. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

JULY 28, 2020/rd/ab